

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

VS.

1980 MARBLE VALLEY BASIN
ROAD, ADDY, WASHINGTON,
TOGETHER WITH A 1996 REDMAN
44 X 28 MOBILE HOME, VIN:
11822401, AND TOGETHER WITH
ALL APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON.

Defendant.

CV-07-237-RHW

Final Order of Forfeiture of Substitute Res

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In Rem on July 20, 2007, alleging that the defendant property was subject to forfeiture to the United States pursuant to 21 U.S.C. § 881.

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant's real property is located at 1980 Marble Valley Basin Road, Addy, Washington, and is legally described in the Verified Complaint for Forfeiture In Rem, filed herein.

On August 1, 2007, the United States Marshals Service posted notice of this forfeiture action as noted on form USM-285 filed herein. ECF No. 5.

On August 15, 2007, Attorney Bevan J. Maxey filed a claim on behalf of Snow Angel Trust and the Estate of David T. Buchanan, Trustee. On March 10, 2008, Mr. Maxey filed a Notice of Withdrawal of Claim.

1 On August 15, 2007, Snow Angel Trust, Sara E. Buchanan, Trustee, filed a
2 claim; and filed an answer on August 28, 2007.

3 In a Settlement Agreement and Stipulation for Order of Forfeiture of
4 Substitute Res, filed on October 1, 2010, Claimant Sara E. Buchanan, agreed to
5 provide \$75,000.00 substitute res to the United States in lieu of forfeiture of the
6 Defendant real property. Sara E. Buchanan also agreed in said settlement
7 agreement and stipulation to the entry of an order of forfeiture forfeiting the
8 substitute res in the amount of \$75,000.00 to the United States of America,
9 without further notice or hearing.

10 On August 9, 2012, a Notice of Receipt of Substitute Res was filed, which
11 indicates the following:

12 On or about October 13, 2010, a cashier's check in the amount of
13 \$20,000.00 substitute res, made payable to the U.S. Marshal's Service, was
14 delivered to the United States Attorney's Office.

15 On or about July 26, 2012, a second cashier's check in the amount of
16 \$55,000.00, made payable to the U.S. Marshal's Service, was delivered to the
17 United States Attorney's Office.

18 Accordingly, **IT IS HEREBY ORDERED:**

19 1. The Court makes the following findings:

20 a. The United States and Claimant Sara E. Buchanan agreed in the
21 settlement agreement and stipulation filed herein to the forfeiture of
22 \$75,000.00 substitute res in lieu of forfeiture of the Defendant real
23 property;

24 b. The \$75,000.00 substitute res has been provided to the United States;.

25 c. There are no additional timely claims.

26 2. The \$75,000.00 substitute res is hereby **forfeited** to the United States.

27 ///

28 ///

3. The United States Marshals Service shall dispose of the \$75,000.00 in accordance with law.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to counsel, and **close** the file.

DATED this 21st day of August, 2012.

s/Robert H. Whaley
Robert H. Whaley
United States District Judge

Q:\RHW\ACIVIL\2007\1980 Marble Valley Basin\P90514dm.sab.wpd